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Port Security Advisory (3-05)

The Maritime Transportation Security Act of 2002 has mandated that the United States Coast Guard evaluate the effectiveness of anti-terrorism measures in foreign ports ("MTSA", 46 USC § 70108). Noncompliance with the International Ship and Port Facility Security ("ISPS") Code indicates to the Coast Guard that the ports do not have effective anti-terrorism measures. Failure of a country to communicate information to the IMO for SOLAS signatory countries or to the U.S. Coast Guard for non-SOLAS signatory countries all required information regarding port facility security compliance as described by Regulation 13 of Chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974 indicates non-compliance with the port facility requirements of the ISPS Code and therefore a lack of effective anti-terrorism measures.

The U.S. Coast Guard made a determination in Port Security Advisory 1-05 that seven countries were not maintaining effective anti-terrorism measures.

Nauru, has now communicated to the U.S. Coast Guard that they are implementing the provisions of the ISPS Code. Their implementation has also been verified by a U.S. Coast Guard visit. As a result, Nauru is considered to be maintaining effective anti-terrorism measures and is removed from the Port Security Advisory List. Vessels arriving from ports in Nauru are no longer subject to the Conditions of Entry outlined below or increased port state control actions based solely on having Nauru as one of its last five ports of call.

Albania and **Madagascar** have adequately reported the required information to the IMO, and the Coast Guard has suspended its determination that the countries are not maintaining effective anti-terrorism measures, pending confirmation of the implementation of the ISPS Code through a visit by the Coast Guard International Port Security Program. Vessels arriving from ports in these countries can still potentially be subject to increased port state control actions including dockside boardings prior to cargo operations until ISPS Code implementation is verified. While not required as a condition of entry, if a vessel takes the steps outlined below, the vessel's security posture will be considered and reflected in the scope, intensity and duration of the port state control measures. Taking the below steps does not guarantee vessels will not be subject to additional measures based on other operational issues.

The remaining countries listed below have still not adequately reported to the International Maritime Organization (IMO) or the U.S. Coast Guard all required information regarding port facility security compliance and the Coast Guard has reaffirmed the determination that these countries do not maintain effective anti-terrorism measures in their ports:

Democratic Republic of the Congo

Guinea-Bissau

Liberia

Mauritania

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All vessels that visited ports in the four countries listed above, with the exception of the port of Monrovia in Liberia, during their last five port calls prior to entering the United States must take the actions listed below as a condition of entry into U.S. ports:

- a) Implement measures per the ship's security plan equivalent to Security Level 2 while in ports in the above countries;
- b) Ensure that each access point to the ship is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel while the vessel is in ports in the above countries. Guards may be:
 - provided by the ship's crew, however additional crewmembers should be placed on the ship if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or
 - provided by outside security forces approved by the ship's master and Company Security Officer;
- c) Attempt to execute a Declaration of Security while in the above countries;
- d) Log all security actions in the ship's log; and
- e) Report actions taken to the cognizant U.S. Coast Guard Captain of the Port prior to arrival.

Vessels that visited the four countries listed above during their last five port calls will be boarded at sea by the Coast Guard to ensure the vessel took the required actions. Failure to properly implement the above conditions of entry will result in denial of entry into the United States.

While in U.S. ports, vessels subject to these conditions of entry are required to ensure that each access point to the ship is guarded by armed, private security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel. The number and locations of the guards must be acceptable to the cognizant Coast Guard Captain of the Port.

The Liberian National Port Authority has stated that Monrovia is currently the only international port in Liberia. The United Nations Mission in Liberia (UNMIL) has assumed overall security for the Port of Monrovia, Liberia. UNMIL has taken on substantive responsibility for securing the port in an effort to assist the Government of Liberia fulfill their responsibility for port facility security and ISPS Code compliance. UNMIL is maintaining a military and police presence in the port. The UNMIL Security Plan for the port applies standards consistent with those contained in the ISPS Code.

Vessels that visit Monrovia, Liberia during their last five port calls prior to entering the United States must take the actions listed in paragraphs a through e above. However, these vessels will not normally be boarded at sea by the Coast Guard unless other targeting factors apply, nor will these vessels be required to provide armed, private security guards while in ports of the United States.